

in all such cases, where this or any other species of property has been fraudulently or unjustly placed beyond the reach of creditors, a court of equity will interpose and give relief, by setting aside any fraudulent conveyance which may stand in the way ; and by ordering the stock to be sold for the benefit of such judgment creditor. (i)

Besides those embarrassments as to the liability of property to be taken in execution arising out of its nature, considered as real or personal ; corporeal or incorporeal, there are others occasioned by the peculiarity of the title to it, or the interest of the party against whom the judgment has been obtained.

A rent seck is a species of realty, and may be, in some sense, regarded as the profits of land ; yet since it is intangible, and utterly incapable of any manual seizure, or of being taken into the custody of the sheriff ; and as a bare rent cannot be delivered *ut liberum tinentum*, it cannot be taken and sold under a *fieri facias*. (j) The same reason would seem to apply to all mere charges, incumbrances, or beneficial privileges on land. As where a father, by his will, after devising his lands to his sons, gave his daughter the right, privilege and liberty, of residing in the houses and using and cultivating the land in common with his sons, so long as she remained single ; (k) or where a testator gave his wife a home at his mansion-house until his son should attain his full age ; (l) or where he gave his land to his son in fee, upon condition, that he should maintain his daughter, or pay her sixty pounds annually during her natural life. (m) These charges were held to be liens upon the land ; but as an execution cannot be levied on a lien which a judgment creditor has obtained upon the lands of his debtor, because a lien gives no title to the thing, or interest in the land itself, but merely a power, by levying an execution upon it to have it sold or applied in satisfaction of the claim, (n) it would seem, that none of those peculiar liens could be taken and sold under a *fieri facias* ; and consequently, that no judicial lien could attach upon any such pre-existing lien.

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may have in the capital or joint stock of any corporation, or in the debt of any corporation transferable on its books, may be taken and sold in the manner therein prescribed. But whether a lien fastens upon any such property from the date of the judgment or only from the delivery of the *fieri facias* to the sheriff, or otherwise, remains to be determined.—(i) *Horn v. Horn*, Amb. 79 ; *Caillaud v. Estwick*, 2 Anstr. 331 ; *Denton v. Livingston*, 9 John. 96 ; *Hadden v. Spader*, 20 John. 554.—(j) *Powel Mortg.* 599, note W.—(k) *Warfield v. Gambrill*, 1 G. & J. 503.—(l) *Addison v. Bowie*, 2 Bland, 606.—(m) *Rebecca Owing's case*, 1 Bland, 290.—(n) *Harding v. Stevenson*, 6 H. & J. 267.